REMARKS

In the outstanding Office Action, the Examiner rejected claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,609 to Downs et al. ("Downs") in view of U.S. Patent No. 6,421,779 to Kuroda et al. ("Kuroda") and further in view of U.S. Patent No. 6,594,758 to Okui ("Okui"). No claims are amended herein, and claims 10-12 remain pending.

Regarding the Examiner's rejection of claims 10-12 under 35 U.S.C. § 103(a), Applicants respectfully disagree with the Examiner's assertions and conclusions as set forth in the outstanding Office Action[1]. Accordingly, Applicants respectfully traverse this rejection on the ground that a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. *See* M.P.E.P. §2143.03 8th Ed. (Rev. 2), May 2004. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three requirements must "be found in the prior art, and not be based on applicant 's disclosure." *See* M.P.E.P. § 2143 8th Ed. (Rev. 2),

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

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May 2004. At a minimum, the Examiner cannot establish that the references, whether taken alone or in combination, teach or suggest every element recited in the claims.

Claim 10, for example, recites an information processing device including at least "storage means for storing an encrypted first key encrypted by a second key ... means for decrypting the encrypted first key with the second key, and for encrypting the first key with [a] temporary key." Downs fails to teach or suggest at least this structure.

Downs teaches "a method of managing content data" wherein "the content data is encrypted with a first encrypting key," and "[t]he first encrypting key is encrypted with a second encrypting key." Downs, abstract. Downs further teaches a process wherein "[s]ender encrypts the symmetric key using the recipient's public key," (col. 15, line 59) and "[r]ecipient decrypts the encrypted symmetric key using the recipient's private key" (col. 16, line 43-44). Downs thus teaches encrypting the symmetric key with a public key, and subsequently decrypting the encrypted symmetric key with a different private key. Downs thus fails to provide a teaching of "an encrypted first key encrypted by a second key ... means for decrypting the encrypted first key with the second key," as recited in claim 10. Moreover, Downs is silent as to a "temporary key," and thus also fails to provide a teaching of "encrypting the first key with [a] temporary key," as recited in claim 10.

Kuroda, cited by the Examiner at page 4 of the Office Action for allegedly teaching "the second authentication means for authenticating the first storage means," fails to cure the above-noted deficiencies of Downs. In Kuroda, a "DES process is performed on the first 64-bit block M2 in step S51 [and] the DES process is performed again on the result using a master key." Kuroda, col. 13, lines 41-46. Kuroda then

teaches, "a receiver of a storage certificate can decode the data using the master key." Accordingly, Kuroda also fails to teach or suggest "an encrypted first key encrypted by a second key … means for decrypting the encrypted first key with the second key," as recited in claim 10. Moreover, Kuroda is also silent as to a "temporary key," and thus also fails to provide a teaching of "encrypting the first key with [a] temporary key," as recited in claim 10.

Okui, cited by the Examiner at page 5 of the Office Action for allegedly disclosing "periodically modifies key and provide a replacement key when key is modified," also fails to cure the above-noted deficiencies of Downs. Initially, Applicants point out that pending claims 10-12 do not recite a combination including "modifies and provides a replacement key when key is modified," as asserted by the Examiner.

In any event, Okui teaches that a work key (Kw), "which is uniquely assigned to a pay delivery service, is encrypted using a master key (Km)." Okui, col. 6, lines 47-49. Okui then teaches that "the receiving terminal decodes the IP datagrams using the work key (Kw), and further decodes the decoded IP data grams using the scramble keys (Ks) to obtain information which is delivered." Okui, col. 10, lines 24-27. Accordingly, Okui also fails to teach or suggest "an encrypted first key encrypted by a second key … means for decrypting the encrypted first key with the second key," as recited in claim 10. Moreover, Okui is also silent as to a "temporary key," and thus also fails to provide a teaching of "encrypting the first key with [a] temporary key," as recited in claim 10.

Because none of Downs, Kuroda, or Okui teach or suggest every element recited in claim 10, even if combined as suggested in the Office Action, that combination of

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references cannot establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 10 under 35 U.S.C. § 103(a).

Claims 11-12, although of different scope, recite features similar to those recited in claim 10. Claims 11-12 are thus allowable over Downs, Kuroda, and Okui, for at least the reasons given above with respect to claim 10. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 11-12 under 35 U.S.C. § 103(a).
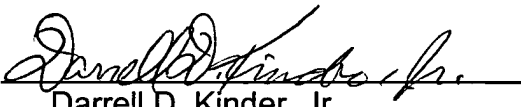
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 23, 2006   By: _____
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